IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

Criminal Application No.2903 of 2001

in

Criminal Appeal No.309 of 2001.

The State of Maharashtra. ..Appellant.

vs

Sitaram Ramdeo Yadav. .Respondent.

Smt. V.R. Bhonsale, Addl. Public Prosecutor for the Appellant.

CORAM: V.G.PALSHIKAR,Acg C.J. ,&
NISHITA MHATRE, J.
DATE: AUGUST 17, 2006.

P.C.:

This application is for condonation of delay in filing the appeal against the order of acquittal passed by the Sessions Court on 23rd October, 2000. There is delay of 23 days in filing the appeal. Notice was sought to be served on the accused-respondent but in spite of best efforts on the part of the police, as is disclosed by the affidavit filed by Shri B.D.Gaikwad,m Senior Inspector of Police, Dharavi Police Station, Mumbai, no service could be effected. It appears that the accused is not staying at the place where he is shown to be so residing. We, therefore, deem fit just and proper to condone the delay and consider the appeal on merits.

Application is accordingly disposed of.